

**WRITTEN STATEMENT OF
ROBERT GLESS
TRANSPORT WORKERS UNION OF AMERICA**

**BEFORE THE
NATIONAL MEDIATION BOARD
ON
REPRESENTATION DISPUTES PROPOSED RULES
DOCKET NO. C-7034
FOR THE NATIONAL MEDIATION BOARD'S PUBLIC HEARING**

June 19, 2012

Good morning Chairwoman Puchala and Member Hoglander. I am Robert Gless, Deputy Director of the Air Transport Division of the Transport Workers Union of America. TWU appreciates the opportunity to provide the Board with an initial expression of TWU's views in response to the Notice of Proposed Rulemaking regarding the Board's plans to conform its regulations to the changes made to the Railway Labor Act in the Federal Aviation Administration Modernization and Reform Act of 2012. TWU also appreciates the opportunity to respond to the Board's request for comments on the impact, if any, of the amendments to the Act on the Board's Merger Procedures.

TWU recognizes that as a result of the recent amendments to the RLA, it is necessary for the Board to modify some of its regulations concerning representation proceedings. In particular it is necessary for the Board to modify its regulations regarding the required showing of interest for representation elections when an effort is made to become a certified representative of a craft or class or to replace an existing representative. It is also necessary to change the regulations concerning run-off elections.

In response to the Notice of Proposed Rulemaking, TWU endorses the Statement provided by the Transportation Trades Department of the AFL-CIO and adopts that statement on its own behalf. In particular, TWU concurs in the TTD's Statement in response to the Board's request for comments as to whether new Section 2 Twelfth applies to the Board's Merger Procedures. TWU submits that it does not.

Section 2 Twelfth is titled “Showing of Interest for representation elections” and applies when the Board “receives an application requesting that an organization or individual be certified as the representative of any craft or class of employees”. By contrast, the Merger Procedures apply in a situation when there is a certified representative for a craft or class on a carrier, that carrier is involved in a corporate transaction with another carrier, the employees in the craft or class of the other carrier are represented by another organization or are unrepresented, and the transaction may change the nature of the transportation system. In those situations there is no effort by an organization to become certified as a representative for the craft or class. The union or unions representing the craft or class on one or more of the pre-transaction carriers is or are already certified as a representative or as representatives. The questions before the Board in those cases are whether the transaction has altered the nature of the transportation system and whether such a change requires a Board investigation as to the representation of the craft or class because of the Board’s practice of requiring “system-wide” representation of a craft or class.

Since a proceeding under the Merger Procedures is initiated as a result of a corporate transaction involving the carrier or carriers that may affect an existing certified representative or representatives, and not as a result of an effort by an organization or individual to become a representative, TWU submits that Section 2 Twelfth does not apply to the Merger Procedures. TWU further submits that while there is no need for the Board to change its Merger Procedures because of the creation of Section 2 Twelfth, it is time for the Board to codify the Merger Procedures in its regulations, rather than merely keeping them in the Representation Manual.

TWU thanks the Board for this opportunity to submit an initial statement in response to the Notice of Proposed Rulemaking and TWU will file more detailed comments as provided for in the Board’s notice.